

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes June 15, 2007

A meeting of the Planning Commission of the City of Saint Paul was held Friday, June 15, 2007, at 8:00 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Faricy, Lu, McCall, Morton, Porter, Smitten, Wencil, and Messrs. Alton, Barrera, Bellus, Commers, Cudahy, Gordon, Johnson, Kramer, Rosemark, and Spaulding.

Commissioners: Ms. *Donnelly-Cohen, and Messrs. *Goodlow, *Margulies, *Nelson.

Absent: *Excused

Also Present: Larry Soderholm, Planning Administrator; Larry Zangs, Department of Safety and Inspections, Al Torstenson, Lucy Thompson, Shawntera Hardy, Yang Zhang, Merritt Clapp-Smith, Christina Danico, Andrew Jacobson, Jacob Rife, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes June 1, 2007.

MOTION: *Commissioner Johnson moved approval of the minutes of June 1, 2007. Commissioner Barrera seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Alton announced that he would like to have a volunteer to serve as liaison to the Heritage Preservation Comprehensive Plan Chapter, which the Heritage Preservation Commission intends to start later this summer. Whoever is interested should contact Larry Soderholm or Sonja Butler. Also, the Ramsey County Regional Rail Authority is organizing a tour of the Union Depot for Wednesday, July 11, 2007 at 8:30 a.m. If anyone is interested, mark your calendar and we will get more information to you later. He also reminded members that the National Preservation Conference of the National Historic Trust coming to Saint Paul on October 2-6, 2007.

III. Planning Administrator's Announcements

Larry Soderholm reported on planning-related business at the City Council.

IV. PUBLIC HEARING: Mississippi River Critical Area Zoning Overlay Districts and Regulations
Proposed overlay zoning regulations that replace and update the regulations adopted in 1982. Item from the Comprehensive Planning Committee. (Larry Soderholm, 651/266-6575; Allan Torstenson, 651/266-6579)

Chair Alton announced that today the City of Saint Paul Planning Commission is holding a public hearing on the Mississippi River Critical Area Overlay Zoning Regulations and that notice of the public hearing was published in the St. Paul Pioneer Press on May 22nd, May 29th, and June 5, 2007, and in the St. Paul Legal Ledger on May 24, 2007. In addition notice was sent to the City's Early Notification System on May 14, 2007, and was sent to 3,800 property owners in the Critical Area on June 5, 2007.

Larry Soderholm, Planning Administrator made a short presentation. He said the proposed regulations for the Mississippi River Critical Area were developed by a task force established by the City Council about three years ago. The Mississippi River Critical Area Task Force produced a large report on the issues relating to the environmental and scenic quality of the Critical Area in Saint Paul. The report was distributed to the members of the Comprehensive Planning Committee, which has discussed the proposed regulations at several meetings. He asked other members of the commission to take a copy.

Mr. Soderholm went on to say that today's public hearing is on the proposed regulations, which are amendments to the Zoning Code. There are actually two drafts of the proposed ordinance that are under consideration today. The first is the draft done by the Task Force. In it there were a half dozen items the City staff disagreed with. So the City staff put some amendments in another version of the ordinance that was sent out for public review as well. The Commission has not taken any position on any of the recommendations by the Task Force or the City staff. The purpose of the hearing today is to receive testimony about both proposals. The Commission will consider all of the testimony. The proposed regulations will be referred to the Comprehensive Planning Committee and they are meeting on this issue on Tuesday, June 26, 2007, at 4:00 p.m. The Planning Commission will make its recommendations to the Mayor and the City Council. The City Council will hold a hearing and decide what it wants to adopt. The new ordinance will be referred to the Metropolitan Council and the DNR. The Metropolitan Council makes advisory comments to the DNR. The DNR has approval authority over Critical Area regulations for the whole metropolitan area river corridor. The DNR has the power to approve, deny or modify the ordinance adopted by the City.

Chair Alton read the rules of procedures for the public hearing.

The following people spoke:

1. Gregory Page, 25 W. 6th Street, Saint Paul, MN 55102, Chair of the Critical Advisory Task Force. He thanked his fellow task force members for their hard work, and the Comprehensive Planning Committee for taking time to meet with members of the Critical Area Task Force.

He stated that today the commission is reviewing the Task Force recommendations and the City staff recommendations, and hearing public testimony. The Task Force also listened to and considered a lot of public input and testimony. The Task Force dealt with environmental, scenic *and economic development* issues. The Task Force met with district councils, major land owners, and key agencies and organizations. When the Task Force completed its first draft, the Task Force held a public meeting on Harriet Island. Mr. Page said the Task Force did a good job of balancing the several sides of issues that will be brought up today. He urged the commission to consider the Mississippi River

Critical Area Task Force's recommendations favorably, and to forward them as recommended to City Council together with the commission's recommendations.

2. Dan Foote, 380 Jackson St., Saint Paul, MN 55101, a downtown business person who is representing the Saint Area Paul Chamber of Commerce. The Chamber and many in the business community feel the draft regulations are poor public policy, and that the current Critical Area regulations are appropriate, functional, and balanced. The proposed regulations are not a balanced approach to protecting the Mississippi River and encouraging a viable business community.

Up until now, the community has worked together for a realistic, balanced approach to address aesthetic, economic and environmental concerns, and this approach has been successful. In fact, for the past 15 years, the riverfront has been the centerpiece of the City's economic development strategy. The proposed Mississippi River Critical Area Zoning Overlay District represents a radical departure from this balanced, collaborative approach.

Although the amendments recommended by City staff would reduce the negative impact of some of the most onerous aspects of the ordinance proposed by the Mississippi River Critical Area Task Force, the draft regulations currently under consideration are still so unbalanced that they would best be set aside.

They do not believe that the proposed ordinance reflects a balanced approach to protecting the river as a unique asset while also encouraging a strong and healthy business and residential climate along its banks. Many provisions of the proposed overlay appear to be in conflict with the City's overall desire for increased density to support business, transit, and investments in public infrastructure, services and amenities. The City promotes the policy of making the riverfront "more connected, more urban and more green," but there is nothing in the proposed new regulations that makes the area more urban and a great deal that makes it less so.

Mr. Foote distributed a seven-page report to the Planning Commission with comments on the Mississippi River Critical Area Zoning Overlay District from the Chamber of Commerce and others mentioned in the report.

3. Tom Dimond, 2119 Skyway Drive, Saint Paul, MN 55119. Mr. Dimond said he rarely agrees with the Chamber of Commerce, but on this he agrees with them that retaining the existing regulations would be better than adopting the proposed new regulations, because he feels the proposed regulations degrade existing protection.

Bluffs are an important issue. DNR staff have repeatedly directed City staff not to cite Minnesota Rules, Chapter 6120 on Shoreland and Floodplain Management. The Critical Area has higher standards.

Mr. Dimond said that the City had previously adopted regulations calling for the replacement of trees lost to development. However, the City staff didn't like the tree replacement requirements and in the dark of night they got it changed and then citizens discovered later that trees were not being replaced. He asked the Planning Commission to pay close attention to how City ordinances actually get implemented.

Mr. Dimond suggested the proposed overlay maps should be changed at the north end of the Vento Nature Sanctuary, Southport, and Holman Field. He said he put additional points and more detail in the letter he submitted.

Commissioner Bellus asked Mr. Dimond if he really believed that the proposed ordinance is weaker than the existing regulations and that he agreed with the Chamber of Commerce—though for different and perhaps opposite reasons—that this ordinance should be rejected. Would that be a fair statement?

Mr. Dimond responded that would be a fair statement. In his view, retaining the current regulations across the board offers greater environmental protection for the River Corridor. Some of the provisions in the proposed ordinance are stronger, but on balance the new ordinance is weaker.,

4. Andrea Vento, 1621 Beachwood, Saint Paul, MN 55106, president of the Friends of the Parks and Trails of St. Paul and Ramsey County. She said the Friends was was organized about 25 years ago in response to development on the Mississippi River. She distributed a general letter and the Friend's detailed review of the provisions in the proposed Critical Area ordinance as written by the Task Force and with the City staff revisions. They asked whether the proposed changes were consistent with the City Council's intent to improve and strengthen the current Critical Area protections.

In summary, the Friends found that the proposed ordinance is the same or stronger in many respects, but weaker in other respects. She asked the Planning Commission to reject or rewrite the provisions that are weaker than existing regulations. The Friends have suggested their own amendments for the weaker provisions, which are shown in their Attachment 2. Ms. Vento recommended adoption of the ordinance as drafted by the Task Force with the amendments done by the Friends of the Parks and Trails.

5. Patrick Ruble, 325 E. Roselawn, Saint Paul, MN 55117, representing the Saint Paul Area Association of Realtors. He related that nearly a year ago the Association of Realtors brought forward their concerns with the Mississippi River Critical Area Task Force's zoning recommendations. He felt that the City staff has attempted to resolve some of the more onerous restrictions proposed by the Task Force, but that the underlying intent of these zoning guidelines is still to impede development. The proposed ordinance is a blunt instrument. It would obstruct potential for growth in our community and expansion of our tax base. As an organization of realtors, their primary concern rests with the impact these restrictions will have homeowners and families who might move to Saint Paul. The Task Force's amendments impose substantive zoning requirements that would cause existing uses and structures to become nonconforming. In fact, the changes in steep slope regulations would cause many houses to become nonconforming with regard to height and setback dimensions. The impact goes beyond homes along a bluff line; it goes deeper into the adjoining neighborhoods wherever there are steep slopes. These kinds of zoning constraints can make it much more difficult for a homeowner to sell their property and will negatively affect market values relative to similar properties outside the Critical Area.

Mr. Ruble said the proposal also contains a number of provisions that are unclear and open to varied interpretation. The vagueness of these provisions is susceptible to being applied to property owners, developers and business owners in an arbitrary, inconsistent and capricious manner. While the Task Force worked diligently over a long period of time and the City staff has tried to address some of the issues raised by the community, this document is simply not good enough and should be set aside. Mr. Ruble said he would submit a written version of his comments for the record.

6. Irene Jones, 360 N. Robert Street, Saint Paul, MN 55101, representing the Friends of the Mississippi River. She said the Friends of the Mississippi are very pleased with the work done by the Task Force and her organization strongly supports the ordinance drafted by the Task Force. She observed that the Planning Commission has testimony here by groups saying the regulations are too strong and others saying they're not strong enough. This is a good sign that this Task Force has struck the balance that is really needed to go forward with river protection. The Friends of the Mississippi think the city is overdue for an update of the Critical Area ordinance and would strongly discourage the City from "setting it aside." The City did a really good River Corridor Plan five or six years ago. The proposed ordinance is the logical next step to implement the plan.

Ms. Jones pointed out where the Friends disagreed with the City staff's recommendations. They want the Ford site to be included in the overlay zoning now. Around half of the site is in the Critical Area and it should be CA3 like the rest of the gorge. The gorge is a unique geological feature, the only one on the Mississippi, and it is a beautiful area. All of the neighborhoods along the gorge including the Ford site should have CA3 zoning. The Friends also disagree with allowing park buildings that are not river-related in the 100-foot setback from the river. They disagree with the staff's proposal to exempt CA3 neighborhoods from tree inventories and tree replacement requirements. The trees are a critical part of the natural habitat along the river bluffs regardless of whether they are on public or private land.

Ms. Jones said another topic where the Friends disagree with the City staff is building heights. They support the Task Force's recommendations. As for 740 Mississippi River Blvd., if there was ever a building that does not fit into the rest of the landscape, that's it. A high-rise along the gorge should be nonconforming.

She wanted to emphasize the Friends strong support for height limits for the river flats. This is tremendously important. Currently height limits on the flats are almost nonexistent and we know that a lot of development will be coming in the flats area. Ms. Jones said she also put the Friends of the Mississippi River's comments in a letter.

7. Lorrie Louder, 345 St. Peter Street, Saint Paul, MN 55102, representing the Saint Paul Port Authority. She was also a member of the Critical Area Task Force. Ms. Louder said the Port Authority has been hearing a lot of concerns from the business community about the potential impact of these proposed regulations. She is concerned about striking the right balance so that the city retains business and grows jobs. As we work to protect our beautiful river, we don't want to chase away businesses. The Port Authority finds that businesses are concerned about three things: Confidence, Certainty, and Cost.

Ms. Louder went on to offer four examples of where the proposed rules would be too restrictive on business. First, the Task Force's proposal to rezone the Crosby Business Park to CA3. The property used to be the Texaco Tank Farm. The Port Authority redeveloped this polluted site and attracted businesses to locate there. The city shouldn't make them nonconforming. Second, the height limits are too low for some businesses. The Summit Brewery was recruited to the Crosby Business Park, where they bought a site large enough for future growth. The proposed height limits would prevent their expansion. Third, some of the barge fleeting areas in the city are in CA2 zones where the proposed regulations would prohibit them. Fourth, the 100-foot setback from the river apparently would prevent some types of development in conjunction with the harbors and terminal areas in the city. The Port Authority would like to see more analysis by the staff on these issues. Ms. Louder said she could put these points into a letter for the record.

8. Peter O'Brien, 5 Mackubin Street, Saint Paul, MN 55102, representing Pearce & O'Brien Companies. Mr. O'Brien said he did the architectural design work for the Summit Brewery at Crosby Business Park and was invested in every step of the project. It's a good looking building and he is proud of my work. But the Task Force's recommendation to limit building heights near bluffs treats it as an eyesore. This is doubly baffling since the brewery and the bluff it's sited near are more than 1000 feet away from the river. Even the 58-foot high grand silo can be seen neither from the river nor from Sheppard Road because of tree cover and the high bluff just below the site. As constructed, this building is incomplete. What looks like yard on the east side of the site is actually structural fill placed to accommodate additional fermentation, process and storage equipment for the time when Summit product sales necessitate a building expansion to match the existing brew house capacity. The existing site drainage system and fire protection strategies are sized to accommodate the building expansion.

Imposing a 36 foot height on existing industrial property over 1000 feet from the Mississippi isn't just bad planning; it's a violation of the public trust and a discredit to serious environmental work. There is already a provision in the Task Force's recommendations allowing 60-foot building heights for projects in CA4 Urban Diversified Districts that are more than 500 feet from the river. From a common sense perspective, the Brewery, already zoned industrial, clearly qualifies for inclusion in this less restrictive category. He urged the Planning Commission to reject the Task Force's recommendation to limit building heights at the Brewery's Crosby Business Park site to 36 feet.

9. Jake Cadwallader, 1581 Burg Avenue, Saint Paul, MN, property owner at the south end of Highwood. Mr. Cadwallader said he had several concerns about the proposal by the Task Force and a few problems with staff's amendments too. He is a residential developer and he did a subdivision in Highwood within the last five years. It was approved by the City Council after careful review. The Critical Area amendments would affect his lots and what can be built on them. The proposed regulations would prevent typical walk-out or tuck-under house styles that would fit his lots. A walk-out lot with a 25% maximum grade would be prohibited, although that is a common house style. In his subdivision, he has two or three approved lots that would not be buildable under the proposed regulations for bluffs and steep slopes. He would also have to do a different tree replanting plan because the proposed requirement for native trees is different from what the City Forester recommended for his subdivision, which is covered by the

Highwood Tree Preservation Overlay Zoning District. He said that jumped through all the hoops and secured approval of his subdivision. Now, five years later, is the City going to change the rules and tell him some of his lots are unbuildable? Is the City essentially condemning his property?

Chair Alton asked Mr. Cadwallader how many lots he developed in the subdivision and how many are left for sale. Mr. Cadwallader said the subdivision has 23 lots and 12 are still for sale.

MOTION: *Commissioner Morton moved to close the public hearing and refer the matter back to the Comprehensive Planning Committee, with written testimony to be left open until 4:30 p.m. on Tuesday, June 19, 2007. The motion carried unanimously on a voice vote.* Commissioner Morton said the Comprehensive Planning Committee will discuss the Critical Area testimony and regulations on June 26, 2007, at 4:00 p.m.

V. Zoning Committee

NEW BUSINESS

#07-0830433 Marsha Holdhusen – Change of nonconforming use from grocery to retail (home and garden décor and gifts). 1887 Randolph Avenue, between Prior and Howell. (Patricia James, 651/266-6639)

MOTION: *Commissioner Morton moved the Zoning Committee's recommendation to approve the change of nonconforming use. The motion carried unanimously on a voice vote.*

#07-074-111 Mike Aeling – Site Plan Review and Variances. 2108 Douglynn Lane. (Tom Beach, 651/266-9086)

Commissioner Morton reported that the Zoning Committee laid this case over to the June 21, 2007 meeting.

VI. Comprehensive Planning Committee

None

VII. Neighborhood and Current Planning Committee

Commissioner Kramer stated that the Neighborhood and Current Planning Committee met on Wednesday, June 6, 2007, and recommended adoption of the Como (District10) Plan Summary and the Railroad Island Small Area Plan Summary. There was a lot of discussion about Como Park and the proposed stable for police horses, but the committee did not make any changes to staff's proposed summary. The resolutions for approval of the plans are in today's packet and come as the recommendations of the committee.

Como (District 10) Small Area Plan Summary – Review public hearing comments and Neighborhood & Current Planning Committee's recommendation. (Yang Zhang, 651/266-6659)

MOTION: *Commissioner Kramer moved to recommend that the City Council adopt the summary of the Como Park (District 10)Plan as an addendum to the Comprehensive Plan.*

MOTION TO AMEND: *Commissioner Lu moved to strike the words "and stable patrol horses in the area" from the recommendation on page 6 of the plan. Seconded by Johnson.*

Commissioner Lu said the police horse stable was a diversion of parkland and there are better locations for a police horse stable that are not too far from Como Park. There was a lengthy discussion. *The motion to amend failed on a divided voice vote.*

VOTE ON MAIN MOTION: *The motion carried on a 17-1 vote (Lu).*

Railroad Island Small Area Plan Summary – Review public hearing comments and Neighborhood & Current Planning Committee’s recommendations. (Yang Zhang, 651/266-6659)

MOTION: *Commissioner McCall moved to recommend that the City Council adopt the summary of the Railroad Island Small Area Plan as an addendum to the Comprehensive Plan. The motion carried unanimously on a voice vote.*

VIII. Communications Committee

Chair Alton announced that Commissioner Smitten is the new Chair of the Communications Committee.

IX. Task Force Reports

Commissioner Johnson announced that the Water Task Force had a meaningful and possibly even spiritual meeting earlier this week. In July the task force will plunge into surface water management issues, which will be the hardest part of the plan.

Commissioner Kramer announced that the Land Use Task Force worked on mapping land for future employment growth at its meeting this week. They meet again on June 27th to work on mapping land for residential growth.

X. Old Business

None

XI. New Business

None

XII. Adjournment

Meeting adjourned at 10:09 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,

Approved _____
(Date)

Larry Soderholm, AICP
Planning Administrator

Marilyn Porter
Secretary of the Planning Commission

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